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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,903	10/01/2003	Vanita Mani	123860/YOD GERD:0040	8076

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Patrick S. Yoder
Fletcher Yoder
P.O. Box 692289
Houston, TX 77269-2289

EXAMINER

PATEL, RITA RAMESH

ART UNIT	PAPER NUMBER
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1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/676,903	Applicant(s) MANI ET AL.	
	Examiner Rita R. Patel	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-15 and 70-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-15 and 70-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 1/19/07. Claims 1-9, 11-15, and 70-85 are pending. Claims 10, 28, and 34-69 are cancelled. Claims 1, 1,, 16, 22, 23, and 27 have been amended. Claims 70-85 are new.

Applicant's arguments have been fully considered and in light of applicant's amendments to the claims the 35 USC 112, 102, and 103 rejections have been overcome.

Newly submitted claims 80-85 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention embodied in claims 80-82 does not require a compressor, unlike the invention elected by the applicant. Additionally, the invention embodied in claims 83-85 requires the use of a refrigerant, unlike the invention elected by the applicant.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 80-85 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Upon further consideration, the instant claims are rejected under new grounds of rejections and thus, claims 1-9, 11-15, and 70-79 are finally rejected for the reasons of record.

In re applicant's remarks filed 1/19/07, these arguments are considered moot in light of a new grounds of rejection.

Claim Rejections - 35 USC § 112

The prior 35 USC 112 rejections over claims 10-11 have been overcome due to applicant's remarks and amendments filed 1/19/07.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Roseen (WO 01/11134 A1).

Roseen teaches a combination washing and drying machine with an inner drum for receiving articles to be washed therein. Roseen's washing/drying machine includes a condenser 54 (condenser), a heating element 46 (evaporator), a compressor 50 (compressor), and condensate container 58 (drying mechanism adapted to recapture a desired portion of the cleaning fluid) therein. Container 24 is used for conveying water together with detergents or rinsing agents as desired.

The invention of Roseen does not state retaining the solvent siloxane, however, the solvent tank of Roseen is fully capable of retaining with it siloxane.

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Regarding applicant's recitation for a cleaning solvent tank adapted to retain the cleaning solvent comprising a siloxane (claim 6), this recitation is a statement of intended use which does not patentably distinguish over Roseen since Roseen meets all the structural elements of the claim(s) and is capable of merely retaining a cleaning solvent comprising a siloxane if so desired. See MPEP 2114.

The circulation loop conduit 48 reads on applicant's claims for an air conduit extending from the air outlet to the air inlet. Fan 44 reads on applicant's claims for a blowing device. Circulation loop 34 reads on applicant's claims for a fluid recovery system. In re applicant's recitation for a "pressure reducing mechanism" (claim 11), it is noted that the compressor of Roseen operates in a specific "mechanism", or in other words, a process, technique, or system, for achieving a pressure reducing result. Roseen also teaches a driving mechanism, which is at once envisaged to incorporate the use of a motor (motor), that is coupled to a shaft 14 (rotation shaft) and thus in total reads on applicant's claim for a an agitation device.

Applicant's states the inner drum 12 is loaded with articles to be washed by the insertion of said articles through a front door 16. Although Roseen fails to specify if the machine is a top-loading or side-loading apparatus, it is well known in the art that side- and top-loading enclosures are commonly used in washing machines. One of ordinary skill in the art at the time of the invention would at once envisage providing either a top or side loading, depending on the type of opening access desired. Depending on the placement of such an apparatus in use, a side- or top-loading apparatus can be more beneficial for the user to put clothes in/out of the machine. Choice in aesthetic designs

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was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11, (1977); *In re Harza* 124 USPQ 378 (CCPA 1960). A side- and top-loading washing machine operate in the same exact function, it is merely a choice in aesthetic design as desired to have either a side- or top-loading washing machine door opening in the invention of Roseen.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 70-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roseen as applied above.

Roseen teaches that for diverting part of the drying medium flowing through the circulation loop, a conduit 48 is provided which leads to the compressor. Via conduit 52, the outlet of the compressor is connected to the condenser disposed so that the condensing of the moisture-saturated drying medium is diverted from the circulation loop. This reads on applicant's claims for an airflow control configured to change the drying mechanism between a closed airflow system and an open airflow system. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide either a closed or open airflow system depending on the type of drying required, the intensity of drying to be performed, natural refreshment of drying air, maintaining

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internal heat during drying, and removing laden air from the system, which can corrode and/or adversely affect the articles being processed therein.

Roseen also discloses a control means 60 for computer-based management of the washing/drying processes performed in the invention of Roseen. It is at once envisaged that the selection of different washing detergents is controlled by said controller, it is known in the art to provide different washing detergents are different times during the washing cycle of laundry, for example, bleach, detergent, laundry softener, etc. are known cleaning agents that are added at various times during different washing cycles to achieve optimum cleaning. At the same time, it is at once envisaged that enabling turning fluid recovery ON/OFF when cleaning fluid is maximally dirtied for removing the dirtied fluid from the system and no longer recycling it. Recycling excessively dirtied water results in poor laundering, inefficient use of energy, damaging articles being washed therein, waste of time, etc.

It is at once envisaged that the temperature of the heated-air is optimized to a temperature greater than about 100, or between 130 to 170 degrees Fahrenheit for the condenser. Equivalently, it is at once envisaged that the temperature of the cooled-air is optimized to a temperature less than about 70, or between 50 to 80 degrees Fahrenheit for the evaporator. Optimizing heating- and cooling-air temperatures would have been obvious to one of ordinary skill in the art for maintaining reasonable temperatures in the apparatus that in which provides cost-effective heating/cooling, energy efficient heating/cooling, and efficient laundering processes. And finally, it is at once envisaged that the target airflow rate is optimized to achieve among other things,

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desired drying depending on the size of the machine, the density of the articles processed therein, the type of articles being processed therein, etc. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Berndt et al. (US Patent No. 6,086,635) teaches an apparatus for extracting water in a drying cleaning process involving a siloxane solvent.

Cannon et al. herein referred to as "Cannon" (US Patent No. 5,213,594). Cannon teaches an apparatus for capturing solvent vapors from around the access opening of dry cleaning apparatuses. Vapors from the access opening are drawn through apertures in the collar(s) by suction and condensed water is received in a reservoir; Cannon teaches a pump, drive motor, recover housing, water separator, and condenser.

Jun (US Patent No. D527,150 S) teaches an ornamental design for a washing machine with a top-loading opening.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



rrp



MICHAEL BARR
SUPERVISORY PATENT EXAMINER